

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of MORGAN YENGLIN, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAMMY LYNN CAMPBELL,

Respondent-Appellant.

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UNPUBLISHED

June 16, 2009

No. 288487

Oakland Circuit Court

Family Division

LC No. 07-734455-NA

Before: Jansen, P.J., and Hoekstra and Markey, JJ.

MEMORANDUM.

Respondent appeals by right the circuit court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (i), (j), and (l). We affirm. This appeal has been decided without oral argument. MCR 7.214(E).

To terminate parental rights, the circuit court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the child's best interests. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). We review the court's findings for clear error. MCR 3.977(J).

Respondent challenges only the circuit court's best-interests decision. She argues that, because she had made progress toward improving her parenting skills, termination of her parental rights was not in the child's best interests. Respondent's position is unsupported by the record. At the time the court terminated respondent's parental rights it was readily apparent that respondent was not prepared to care for her very young son. Respondent's history with protective services spanned 13 years. She had previously lost the parental rights to several other children. Despite being offered a multitude of services over several years, respondent clearly never benefited from the assistance offered. Although it is true that, because termination of her parental rights to Morgan were sought in the initial petition, respondent was not provided with a parent agency agreement this time, she had previously been provided with years of services.

Furthermore, respondent was given assistance after Morgan's removal and was provided several opportunities to establish that she could parent the child. Respondent received employment assistance, substance abuse screening, and parenting time. Also, respondent was

given additional time to establish that she could safely parent one child. Even after holding its best-interests hearing in May 2008, the court gave respondent an additional four months to establish progress before it ruled on Morgan's best interests in September 2008. Unfortunately, during these additional months, respondent failed to achieve the consistency and stability necessary to safely parent her child. She was fired from her job for violating policy and failed to advise petitioner that she had lost her employment. She did not submit substance abuse screens and had several insubstantial excuses for her noncompliance. Nor did respondent have a childcare plan to present to the court that would have demonstrated her commitment to the child. Respondent did not keep in contact with petitioner, did not record her attempts at contact, and still did not have a working vehicle. At the conclusion of the four-month period, respondent had not demonstrated that she could care for herself, let alone a child. Because there was no evidence that respondent would be able to safely parent her child within a reasonable time, the circuit court did not err when it concluded that termination of respondent's parental rights was in Morgan's best interests. MCR 3.977(J).

Respondent argues in passing that petitioner improperly removed the child from her custody and that the circuit court thereafter improperly assumed jurisdiction. This issue has not been properly presented for review. *Meagher v McNeely & Lincoln, Inc*, 212 Mich App 154, 156; 536 NW2d 851 (1995). At any rate, the circuit court's exercise of jurisdiction may not be collaterally attacked in a subsequent appeal of an order terminating parental rights. *In re Gazella*, 264 Mich App 668, 679-680; 692 NW2d 708 (2005).

Affirmed.

/s/ Kathleen Jansen  
/s/ Joel P. Hoekstra  
/s/ Jane E. Markey